

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 JOSHUA N. REESE,

11 Petitioner,

12 v.

13 DONALD HOLBROOK,

14 Respondent.

CASE NO. 3:16-cv-05311-BHS-JRC

ORDER GRANTING MOTION TO
LIFT STAY

15
16 The District Court has referred this action to United States Magistrate Judge J. Richard
17 Creatura. Petitioner Joshua N. Reese filed a federal habeas petition, pursuant to 28 U.S.C. §
18 2254, seeking relief from a state court conviction. Petitioner filed his petition in April of 2016.
19 Dkt. 1. The Court ordered service (Dkt. 6) and respondent filed an answer (Dkt. 10). Respondent
20 noted that petitioner's personal restraint petition ("PRP") was pending before the Washington
21 Supreme Court. Dkt. 10. Respondent also argued that the petition would be time-barred unless
22 the Washington Supreme Court reverses a Washington Court of Appeals decision holding that
23 petitioner's PRP was untimely. *Id.* On November 3, 2016, this Court stayed the petition pending
24

1 the outcome of petitioner's PRP. Dkt. 12. Per court order, respondent filed three status reports,
2 keeping the Court informed of the PRP's progress. Dkts. 13, 15, 16. Respondent has now filed a
3 motion to lift the stay, stating that the Washington Supreme Court has disposed of petitioner's
4 PRP by denying it without comment and that the Washington Court of Appeals decision is now
5 final. Dkt. 17. Petitioner has not filed a response to this motion.

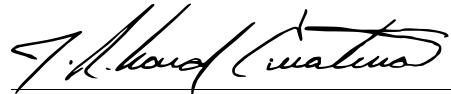
6 Therefore, it is ORDERED:

7 Respondent's motion (Dkt. 17) is granted. The stay on this case is lifted.

8 The petition will be ready for consideration on December 22, 2017. The parties will have
9 until that date to file supplemental briefing.

10 The Clerk is directed to provide a copy of this order to petitioner.

11 Dated this 1st day of December, 2017.

12 

13 J. Richard Creatura
14 United States Magistrate Judge